

Alex J. Stacey
Calvin J. Stacey
STACEY & FUNYAK
100 North 27th Street
P.O. Box 1139
Billings, Montana 59103-1139
Phone: (406) 259-4545
Fax: (406) 259-4540

Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

KEVIN BRIGGS,
Plaintiff,

vs.

GALLATIN COUNTY,
Defendants

Case No.: CV-18-10-BV-BMMJCL

**DEFENDANT'S RESPONSES TO
PLAINTIFF'S SECOND
DISCOVERY REQUESTS**

TO: Kevin Briggs, plaintiff above-named, and his counsel of record, Daniel V. Biddulph, Ferguson Law Office, P.O. Box 8359, Missoula, Montana 59807:

Defendant Gallatin County answers Plaintiff's Second Discovery Request as follows:

INTERROGATORY NO. 2: Please describe, with specificity, the facts or circumstances used by jail staff to place Mr. Briggs on Administrative Segregation on or around May 18, 2015. (See CCJI0000083).

ANSWER:

Defendant's Responses to Plaintiff's Second Discovery Requests - 1

1 Mr. Briggs was placed in administrative segregation on May 4, 2015. The
2 decision to place Mr. Briggs in administrative segregation was supported by Mr.
3 Briggs' continued behavior during the time he was at the Gallatin County
4 Detention Center. This behavior necessitated that Mr. Briggs be placed in
5 administrative segregation to protect himself and to protect other inmates.
6
7

8 Mr. Briggs was involved in several physical fights and verbal altercations.
9 His behavior indicated he was attempting to antagonize other inmates into these
10 situations. Such instigation was demonstrated by Mr. Briggs' taunting of and
11 rudeness toward other inmates through verbal insults and physical actions (e.g.
12 throwing food). Mr. Briggs also had multiple disciplinary reports leading up to
13 his administrative segregation. These reports included violations for failing to
14 follow inmate rules, engaging in verbal arguments with other inmates, refusing to
15 lock himself down, and for making false statements to staff.
16
17
18
19

20 In addition, Mr. Briggs's behavior was actively monitored due to the
21 concern he might harm himself after two prior suicide attempts. As the date for
22 Mr. Briggs' criminal trial was nearing, he had become more distraught with his
23 general situation and his criminal case. Staff was concerned that Mr. Briggs might
24 again try to self-harm.
25
26
27
28

1 **REQUEST FOR PRODUCTION NO. 1:** Please provide any and all
2 documentation used to support your answer in INTERROGATORY NO. 2.
3

4 **ANSWER:**
5

6 Supporting documentation already has been provided to Plaintiff through
7 the Order for Dissemination of Confidential Criminal Justice Information,
8 Criminal History Record Information, and Medical Records, dated March 19,
9 2018. *See, e.g.*, CCJI000162 to CCJI000164, CCJI000176 to CCJI000183,
10 CCJI000186 to CCJI000187, CCJI000194 to CCJI000197, CCJI000202 to
11 CCJI000213, CCJI000216 to CCJI000224; CCJI000227 to CCJI000231;
12 CCJI000245 to CCJI000248; CCJI000252 to CCJI000253; CCJI000262 to
13 CCJI000270; and CCJI000279 to CCJI00310, as well as the digital video files
14 ending in “240” and “827” (BRIGGS 000216 and BRIGGS 000218).
15
16
17

18 See also Bates No. BRIGGS 000099, Gallatin County Detention Center
19 Policy and Procedure Manual, Section 5.2.11, “Administrative Segregation” (Mar.
20 25, 2015); Bates No. BRIGGS 000169, Email from Bernadette Beausoleil to Rick
21 Lower, et al., “Inmate Briggs and Steele” (Feb. 22, 2015); Bates No. BRIGGS
22 000170 to BRIGGS 000171, Email from Shawn Fliehman to Michael Anderson,
23 et al., “Inmate Briggs” (May 3, 2015); and Bates No. BRIGGS 000172,
24 “Documentation Regarding Inmate Briggs, Kevin,” prepared by Shawn Fliehman.
25
26
27
28

1 **INTERROGATORY NO. 3:** Does the Galatian County Detention Center
2 maintain standard guidelines for discipline for certain types of infractions. (i.e. a
3 minor offence would receive discipline X whereas a major offense would receive
4 discipline Y), and if so, what are the guidelines for discipline for each type of
5 infraction.
6
7

8 **ANSWER:**
9

10 Yes. *See* Bates No. BRIGGS 000190 to BRIGGS 000195, Gallatin County
11 Detention Center Inmate Manual, Sections 21 through 25 (Mar. 3, 2015) and
12 Bates No. BRIGGS 000097 to BRIGGS 000099, Gallatin County Detention
13 Center Policy & Procedure Manual, Section 22, "Inmate Discipline" (Mar. 25,
14 2015).
15
16

17 **REQUEST FOR PRODUCTION NO. 2:** Please provide any and all
18 documentation used to support your answer in INTERROGATORY NO. 3.
19

20 **ANSWER:**
21

22 Please see Defendant's Answer to Interrogatory No. 3.
23

24 **INTERROGATORY NO. 4:** Please identify all persons responsible for
25 providing input at team meetings where Mr. Briggs' Administrative Segregation
26 was discussed or continuation of his administrative segregation was decided.
27
28

ANSWER:

The following individuals attended one or more of the team meetings at which Mr. Briggs' administrative segregation was discussed or continuation of his administrative segregation was decided. All individuals may be contacted through the undersigned counsel of record.

| <u>Name</u> | <u>Title</u> | <u>Dates of Employment</u> |
|--------------------|---|--|
| 1. Becca Hagar | Medical Administrative Support | NA – Employed by Benefis Spectrum Medical, Inc. (“Spectrum”) |
| 4. Ben Burtch | Detention Officer; Sergeant | January 2011 to Present |
| 7. Brett Slyngstad | Sergeant; Detention Officer | July 2006 to August 2015; July 2016 to Present |
| 10. Brian Taylor | Detention Officer; Gallatin County Sheriff's Deputy | March 2009 to January 2016 |
| 11. Carli Krause | Registered Nurse | NA – Employed by Spectrum |
| 12. Chelsey Pengra | Detention Officer; Sergeant | February 2014 to Present |
| 13. David Lauchnor | Sergeant | April 2012 to August 2016 |
| 14. Dawn Miller | Sergeant | September 2004 to Present |
| 15. Deb Hulet | Registered Nurse | NA – Employed by Spectrum |
| 16. Ed Caball | Sergeant; Gallatin County Sheriff's Deputy | December 2005 to July 2015 |

| | | |
|-----------------------|---|--|
| 17.Eilissa Crow | Licensed Clinical Professional Counselor (LCPC) | NA – Employed by Gallatin Mental Health Center (GMHC) |
| 18.Emily Tutvedt | LCPC | NA – Employed by GMHC |
| 19.Jackie Keery Lemon | Program Director | August 2006 to Present |
| 20.Jamie Young | Security Sergeant; Security Lieutenant | January 2000 to Present |
| 21.Jason Jarrett | Acting Jail Commander; Gallatin County Sheriff's Office | September 1995 to Present |
| 22.Johnny Marcella | Detention Officer | November 2010 to Present |
| 23.Joyce Young | A. Registered Nurse B. Clinic Director | A. Spectrum – May 2004 to April 2017 B. April 2017 to Present |
| 24.LaDawn Eckhart | Sergeant; Medical Officer | December 2000 to Present |
| 25.Matt Michel | Detention Officer | May 2005 to Present |
| 26.Nick Redburn | Sergeant; Gallatin County Sheriff's Deputy | May 2013 to June 2016 |
| 27.Nick Waliser | Sergeant; Detention Officer | January 2011 to Present |
| 28.Rick Lower | Transportation Sergeant | July 1993 to Present |
| 29.Ryan Schwartzmeyer | Mental Health Case Manager | N/A – Employed by GMHC |
| 30.Shawn Fliehm | Detention Officer; Sergeant | January 2012 to Present |
| 31.Tiffani Pimley | Reentry Coordinator; Social Worker | October 2014 to Present |

1 **INTERROGATORY NO. 5:** On May 18, 2015 Mr. Briggs was informed
2 that he would be placed in administrative segregation “based upon his recent
3 behavior”, (CCJI000083); please describe with specificity what “recent behavior”
4 justified Mr. Briggs placement in administrative segregation and what facts and
5 circumstances justified Mr. Briggs ongoing and continued placement in
6 administrative segregation.
7
8

9
10 **ANSWER:**

11
12 Please see Defendant’s Answer to Interrogatory No. 2 regarding the
13 decision to place Mr. Briggs in administrative segregation on May 4, 2015. Mr.
14 Briggs remained in this classification until August 31, 2015. The continued
15 placement of Mr. Briggs in administrative segregation was supported by the two
16 disciplinary reports in July 2015.
17

18
19 On July 2, 2015, Mr. Briggs was written up for the disruptive conduct of
20 making a false statement. This violation related to Mr. Briggs lying about what
21 had been passed to him under the cell of another inmate and then attempting to
22 hide or destroy the note passed to him before it was located by staff. On July 8,
23 2015, Mr. Briggs was written up for misusing the intercom system by repeatedly
24 pushing the cell intercom button. He also failed to follow staff directions, as he
25 was asked to quit this misuse on multiple occasions.
26
27
28

1 In order to be removed from administrative segregation, Mr. Briggs needed
2 to demonstrate a pattern of behavior indicating that he no longer needed increased
3 supervision. Mr. Briggs' conduct at the Gallatin County Detention Center, as
4 documented through the disciplinary reports, demonstrated that Mr. Briggs
5 required the higher level of supervision.
6
7

8 **REQUEST FOR PRODUCTION NO. 3:** Please produce all
9 documentation used to support your answer in INTERROGATORY NO. 5,
10 including documentation detailing your decision to place Mr. Briggs on
11 Administrative Segregation on or around May 5 2015, and all documentation used
12 to support Mr. Briggs continued placement in Administrative Segregation beyond
13 that date.
14
15
16

17 **ANSWER:**
18

19 Please see Defendant's Response to Request for Production No. 1. In
20 addition, *see, e.g.*, CJI000190 to CCJI000192; CCJI000256 to CCJI000257;
21 CCJI000259 to CCJI000261.
22

23 **INTERROGATORY NO. 6:** Please explain, with specificity, why Mr.
24 Steele was given 30 days lock down and Mr. Briggs was given 35 days lockdown
25 for incidents which occurred in February, 2015.
26
27
28

1 **ANSWER:**

2
3 Mr. Briggs and Mr. Steele were given different amounts of lockdown based
4 on their different histories of behavior at the Gallatin County Detention Center.
5 Further, Detention Center Officers have discretion to determine discipline based
6 on the totality of the circumstances. Video evidence demonstrated that Mr. Briggs
7 was the instigator of the fight and was egging on Mr. Steele. In addition, Mr.
8 Briggs had an additional rule violation that Mr. Steele did not.
9
10

11 **INTERROGATORY NO. 7:** On July 17, 2014, Officer Matthew Porter
12 noticed Mr. Briggs had a black eye. (See CCJI000234) Please describe, with
13 specificity, what steps were taken to investigate Mr. Briggs injuries, what persons
14 were interviewed, what video was reviewed, the results of that investigation and
15 what steps were taken to ensure Mr. Briggs safety after this incident.
16
17
18

19 **ANSWER:**

20 After Mr. Briggs was observed with a black eye, he was asked by Officer
21 Porter how the black eye had occurred. Officer Porter also asked Mr. Briggs if he
22 needed medical attention. Mr. Briggs, however, would not talk about how he
23 incurred the black eye, other than to say he did not cause the black eye himself.
24 Mr. Briggs also denied medical attention. Officer Porter then informed his shift
25 sergeant, Sgt. Eckhart. The following day, on July 18, 2014, Sergeant Fliehman
26
27
28

1 documented Mr. Briggs' black eye on the Detention Center Shift Briefing Sheet.
2 Mr. Briggs also was directed to submit a kite to medical in order to obtain
3 medication for his complaint that his head hurt. It does not appear from the kite
4 records that Mr. Briggs made any such request for medical services.
5

6
7 Thereafter, at the July 22, 2014 Interdisciplinary Team Meeting, team
8 members discussed that Mr. Briggs had a black eye, but that staff were unable to
9 see any incident from video recordings of the Detention Center as to how the black
10 eye occurred. Staff were directed to keep a close eye on Mr. Briggs since the
11 black eye potentially was caused by self-harm.
12
13

14 **REQUEST FOR PRODUCTION NO. 4:** Please provide any and all
15 documentation used to support your answer in INTERROGATORY NO. 7.
16

17 Supporting documentation already has been provided to Plaintiff through
18 the Order for Dissemination of Confidential Criminal Justice Information,
19 Criminal History Record Information, and Medical Records, dated March 19,
20 2018. *See, e.g.*, CCJI000158 to CCJI000161; CCJI000196 to CCJI000199;
21 CCJI000220 to CCJI000222; CCJI000234; and CCJI000295.
22
23

24
25 See also Bates No. BRIGGS 000203 to BRIGGS 000204, Detention Center
26 Shift Briefing (July 18, 2014) (redacted).
27
28

1 **INTERROGATORY NO. 8:** Please explain, with specificity, why Mr.
2 Michael Fuchs was not able to provide witness testimony at Mr. Briggs February
3 2015 disciplinary hearing. (See CCJI000290).
4

5 **ANSWER:**
6

7 To Defendant's knowledge, Mr. Briggs did not request that Mr. Michael
8 Fuchs provide witness testimony at the February 2015 disciplinary hearing.
9 Pursuant to the Gallatin County Detention Center Inmate Manual, Section 25,
10 "Disciplinary Procedures," an inmate is allowed to call witnesses at the discretion
11 of the Disciplinary Hearing Panel. In addition, "[w]itnesses may be denied for
12 the following reasons:
13
14

- 15 ○ If permitting the witness to testify poses a threat to
16 institutional safety, the safety of the witness, or the safety of
17 third persons;
- 18 ○ The witness' testimony would be either redundant or
19 immaterial;
- 20 ○ The witness' testimony concerns the general character of the
21 inmate;
- 22 ○ The inmate does not appear before the hearing;
- 23 ○ The inmate's/witness' actions are inappropriate during the
24 hearing;
- 25 ○ If found guilty of a major rule violation in 05.00.01 and
26 05.00.03, a minimum of 30 days could be assessed for
27 violations in these sections.
28

1 **INTERROGATORY NO. 9:** On April 29, 2015, Mr. Briggs was found
2 guilty of Fighting/Using Physical Force; please explain, with specificity, the basis
3 for this conclusion and what evidence was reviewed or relied upon to come to this
4 conclusion.
5

6
7 **ANSWER:**
8

9 Mr. Briggs was engaged in a physical altercation with Inmate Smith on
10 April 13, 2015. This altercation involved Mr. Smith striking Mr. Briggs in the
11 left eye and resulted in a black eye to Mr. Briggs. After the incident, Mr. Briggs
12 falsely represented to Detention Center Officers that he incurred the black eye
13 when playing basketball. This false statement was confirmed by the video
14 recording of the incident and Mr. Briggs' statement to a visitor on or about April
15 19, 2015 that he was hit by another inmate. Consequently, not only was Mr.
16 Briggs cited for "Fighting/Physical Force," but also for "Making a False
17 Statement."
18
19
20
21

22 **REQUEST FOR PRODUCTION NO. 5:** Please provide any and all
23 documentation used to support your answer in INTERROGATORY NO. 9.
24

25 **ANSWER:**
26
27
28

Supporting documentation already has been provided to Plaintiff through the Order for Dissemination of Confidential Criminal Justice Information, Criminal History Record Information, and Medical Records, dated March 19, 2018. *See, e.g.*, CCJI000158 to CCJI000161; CCJI000196 to CCJI000199; CCJI000220 to CCJI000221; CCJI000249 to CCJI000251; CCJI000262 to CCJI000263; CCJI000277 to CCJI000278; and digital video file ending in “827” (BRIGGS 000218).

INTERROGATORY NO. 10: On May 7, 2015 fighting and use of Physical Force was amended to “rude and/or disrespectful to inmate.” Please describe, with specificity, the facts or circumstances used by jail staff to support a finding that the plaintiff was being rude or disrespectful to an inmate. Please include in your response evidence which was reviewed to support this decision (See CCJI000086 and CCJI000087).

ANSWER:

Please see Defendant’s answer to Interrogatory No. 2. Mr. Brigg’s violation was amended to “rude and/or disrespectful to inmates,” because the video recording of the altercation documented that Mr. Smith hit Mr. Briggs and the latter did not fight back.

1 **REQUEST FOR PRODUCTION NO. 6:** Please provide any and all
2 documentation used to support your answer in INTERROGATORY NO. 10.
3

4 **ANSWER:**
5

6 Please see Defendant's responses to Requests for Production No. 1 and 5.
7

8 **INTERROGATORY NO. 11:** In February 2015, Mr. Briggs was
9 disciplined or written up for his roll in instigating fights and "refusing to lock
10 himself down, thus removing himself from the situation." Please describe, with
11 specificity, the specific facts relied upon by the disciplinary team to determine Mr.
12 Briggs had in instigated the "fights" which occurred on 02/08/2015 and
13 02/11/2015; furthermore, please state with specificity, along with citation to the
14 inmate manual or Gallatin County Policy and Procedure Manual, what rule Mr.
15 Briggs violated or where Mr. Briggs was instructed to lock himself down after
16 being assaulted by inmate Steele.
17
18
19

20 **ANSWER:**
21

22 Objection. Interrogatory No. 11 contains multiple questions and,
23 consequently, each question should be counted as separate interrogatories.
24 Without waiving this objection, video evidence documents Mr. Briggs continually
25 challenging and taunting Inmate Steele to incite a fight. Mr. Briggs continued this
26
27
28

1 behavior rather than removing himself from the situation, such as by returning to
2 his cell. Mr. Briggs also was observed throwing food at Mr. Steele. Mr. Briggs
3 was citing for the offenses of MJV.00.01 – Dangerous Conduct and MJV.00.02 –
4 Disruptive Conduct.
5

6
7 **REQUEST FOR PRODUCTION NO. 7:** Please provide any and all
8 documentation used to support your answer in INTERROGATORY NO. 11.
9

10 **ANSWER:**

11
12 Supporting documentation already has been provided to Plaintiff through
13 the Order for Dissemination of Confidential Criminal Justice Information,
14 Criminal History Record Information, and Medical Records, dated March 19,
15 2018. *See, e.g.*, CCJI000162 to CCJI000164; CCJI000202 to CCJI000207;
16 CCJI000279 to CCJI000291; and the digital video files ending in “240” and “827”
17 (BRIGGS 000216 and BRIGGS 000218).
18

19
20 See also Bates No. BRIGGS 000097 to BRIGGS 000099, Gallatin County
21 Detention Center Inmate Manual, Section 21 through 25 (Mar. 3, 2015); Bates No.
22 BRIGGS 000169, Email from Bernadette Beausoleil to Rick Lower, et al.,
23 “Inmate Briggs and Steele (Feb. 22, 2015); and Bates No. BRIGGS 000205,
24 Gallatin County Detention Center Inmate Orientation Video.
25
26
27
28

1 **REQUEST FOR ADMISSION NO. 1:** Please admit Plaintiff was
2 questioned about his black eye, in April of 2015, in front of other inmates by Sgt.
3 Eckhardt.
4

5 **ANSWER:**
6

7 Deny.
8

9 **REQUEST FOR ADMISSION NO. 2:** Please admit Kevin Briggs was
10 found guilty of being rude or disrespectful to another inmate as resolution to a
11 disciplinary appeal filed by Mr. Briggs on May 7, 2015.
12

13 **ANSWER:**
14

15 Admit.
16

17 **REQUEST FOR ADMISSION NO. 3:** Please admit Mr. Kevin Briggs
18 was placed on Administrative Segregation on May 5, 2015.
19

20 **ANSWER:**
21

22 Deny. Defendants are under the belief that Mr. Briggs was placed on
23 Administrative Segregation on May 4, 2015.
24

1 **REQUEST FOR ADMISSION NO. 4:** Please admit Mr. Kevin Briggs
2 removed himself from an altercation with Inmate Smith on or around April 14,
3 2015.
4

5 **ANSWER:**
6

7 Defendant contends that the video produced depicting an altercation on
8 April 13, 2015 speaks for itself. Leading up to physical contact between Mr. Smith
9 and Mr. Briggs, Mr. Briggs can be seen speaking to Mr. Smith from a table in the
10 center of the common area with Mr. Smith in a cell. Mr. Smith's body language
11 indicate that he is becoming upset in response to Mr. Briggs' words. Both inmates
12 continue to exchange words until Mr. Smith approaches Mr. Briggs and strikes
13 him once upon the head. Mr. Smith then heads back into a cell and Mr. Briggs
14 does the same after exchanging more words with Mr. Smith.
15
16
17
18

19 **REQUEST FOR ADMISSION NO. 5:** Please admit Mr. Kevin Briggs
20 did not strike or assault Mr. Steele on or around February 08, 2015 (see
21 CCJI000287 – CCJI000291).
22

23 **ANSWER:**
24

25 Again, Defendant contends the video produced depicting an altercation
26 between Mr. Briggs and Mr. Steele on February 8, 2015 speaks for itself. Leading
27
28

1 up to the physical contact between Mr. Steele and Mr. Briggs, Mr. Steele can be
2 seen sweeping inside a cell. Mr. Briggs then appears to exchange some words
3 with Mr. Steele and approaches Mr. Steele in the cell. Mr. Steele begins pointing
4 at Mr. Briggs and it appears that more words are exchanged between the two. Mr.
5 Steele then leaves the cell and strikes Mr. Briggs upon the head. Mr. Briggs
6 approaches Mr. Steele again, exchanges more words, takes the broom that Mr.
7 Steele was using to sweep and attempts to close the cell door on Mr. Steele. Mr.
8 Steele takes the broom back from Mr. Briggs and continues sweeping. As Mr.
9 Steele moves to another part of the common area to sweep, Mr. Briggs approaches
10 again. This trend continues with Mr. Steele moving to other parts of the common
11 area and Mr. Briggs following, engaging in more conversation and not removing
12 himself from the situation. Mr. Briggs finally follows Mr. Steele back into the cell
13 Mr. Steele was previously sweeping and appears to spit into the cell.

14
15
16
17
18
19
20 **REQUEST FOR ADMISSION NO 6:** Please admit Mr. Kevin Briggs did
21 not strike or assault Mr. Steele on or around February 11, 2015 (see CCJI000287
22 – CCJI000291).

23
24 **ANSWER:**

25
26 Again, Defendant contends the video produced depicting an altercation
27 between Mr. Briggs and Mr. Steele on February 11, 2015 speaks for itself.

1 Leading up to the physical contact between Mr. Steele and Mr. Briggs, Mr. Briggs
2 approaches Mr. Steele who is standing outside of a cell. Mr. Briggs engages Mr.
3 Steele in conversation and after a moment, Mr. Steele walks away and opens a
4 door to a cell. Mr. Briggs continues to speak to Mr. Steele, even when walking
5 away from Mr. Steele. Mr. Steele then approaches Mr. Briggs and strikes him
6 upon the head. Mr. Briggs then approaches Mr. Steele again before walking away,
7 at which point Mr. Steele enters a cell.
8
9
10

11 **REQUEST FOR ADMISSION NO. 7:** Please admit Mr. Kevin Briggs
12 removed himself to his cell and locked himself down after being hit or assaulted
13 by Mr. Steele on or around February 11, 2015.
14

15
16 **ANSWER:**

17 Deny.
18

19 **REQUEST FOR ADMISSION NO. 8:** Please admit the Jail
20 Administrator approved of Mr. Briggs placement in lock-down for 35 days
21 pursuant to the Major Rule Infraction Report Hearing (CCJI000282), February 26,
22 2015.
23
24

25 **ANSWER:**
26
27
28

1 Deny. It is Defendant's belief that the disciplinary team made this approval,
2 not the Jail Administrator.
3

4 **REQUEST FOR ADMISSION NO. 9:** Please admit Mr. Kevin Briggs
5 filed an appeal from his February 2015 disciplinary hearing. (See CCJI000094).
6

7 **ANSWER:**
8

9 Admit.
10

11 **REQUEST FOR ADMISSION NO. 10:** Please admit jail administration
12 did not respond to Mr. Briggs 02/26/2015 disciplinary appeal (See CCJI000094).
13

14 **ANSWER:**
15

16 Admit.
17

18 **REQUEST FOR ADMISSION NO. 11:** Please admit jail administration
19 is required by policy to respond to disciplinary appeals.
20

21 **ANSWER:**
22

23 Deny. Under the Procedure and Policies in place in February of 2015, jail
24 administration was not required by policy to respond to disciplinary appeals.
25

26 **REQUEST FOR PRODUCTION NO. 8:** Please produce all JMS entries
27 documenting the reason for placing Mr. Briggs on administrative segregation
28

1 pursuant to Policy 5.2.11 of the Gallatin County Detention Center Policy and
2 Procedure Manual.

3
4 **ANSWER:**

5
6 Please see Defendant's response to Requests for Production No. 1 and 3.

7
8 **REQUEST FOR PRODUCTION NO. 9:** Please produce all
9 documentation used to continue Mr. Briggs placement in administrative
10 segregation after May 5, 2015 including minutes and notes of the mandatory
11 periodic review meetings.

12
13
14 **ANSWER:**

15 Please see Defendant's response to Requests for Production No. 1 and 3.

16
17 **REQUEST FOR PRODUCTION NO. 10:** Please produce all documents,
18 electronic documents, recordings, e-mails, text messages, instant messages, or
19 records related to Mr. Briggs' time at the Gallatin County Jail, disciplinary
20 proceedings, or placement on administrative review.

21
22
23 **ANSWER:**

24
25 Objection. Request for Production No. 10 is overly burdensome,
26 ambiguous, and not reasonably calculated to lead to the discovery of admissible
27

1 evidence. In addition, the request seeks information that is confidential criminal
2 justice information and criminal history record information, as well as documents
3 that are attorney work-product and/or protected by the attorney-client privilege.
4 The request also seeks documentation that is confidential information and is
5 excluded from public disclosure pursuant to § 2-6-1003, MCA, based on the
6 safety and security of the Gallatin County Detention Center.
7
8

9 Without waiving these objections, Defendant is not aware of any text
10 messages or instant messages relating to Mr. Briggs' incarceration at the Gallatin
11 County Detention Center. In addition to the documentation that already is in Mr.
12 Briggs' possession pertaining to his criminal case; documentation that has been
13 provided to Plaintiff through the Order for Dissemination of Confidential
14 Criminal Justice Information, Criminal History Record Information, and Medical
15 Records, dated March 19, 2018; or documentation that is provided through
16 Defendant's responses to the requests for productions herein, see Bates Nos.
17 BRIGGS 000001 to BRIGGS 000218.
18
19
20
21

22 Defendant is working through technical issues to recover any and all emails
23 responsive to this Request and reserves the right to supplement this Answer when
24 the issues are resolved.
25
26
27
28

Request for Production No. 11 is not applicable, as Mr. Briggs was never placed on a “behavior management plan” during his incarceration at the Gallatin County Detention Center.

Defendant is not aware of any existing statistical data or reports as requested by Request for Production No. 12.

REQUEST FOR PRODUCTION NO. 13: Please produce a report of all incidents of infraction for being rude or disrespectful to officers or other inmates

1 and their corresponding disciplinary measures or sanctions for the period of time
2 Mr. Briggs was in custody at GCDC.
3

4 **ANSWER:**

5
6 Objection. Request for Production 13 is overly burdensome, does not
7 provide any time limitation, and would require staff to manually search through
8 each incident report created for any and all inmates ever incarcerated at the
9 Gallatin County Detention Center. This request is not reasonably calculated to
10 lead to the discovery of admissible evidence specific to the present case. In
11 addition, the request seeks information about inmates that is confidential criminal
12 justice information and/or criminal history record information.
13
14

15
16 **REQUEST FOR PRODUCTION NO. 14:** Please produce copies of all
17 inmate phone calls provided to Mr. Briggs criminal defense counsel or the
18 Gallatin County Attorney in preparation for Mr. Briggs criminal trial, pre-trial
19 motions or hearings, or trial preparation. Please include calls made by Mr. Briggs,
20 Mr. Steele, Mr. Smith, or any other inmates whose calls were provided.
21
22

23 Objection. To the extent Request for Production No. 14 requests copies of
24 inmate phone calls provided to Mr. Briggs' criminal defense counsel, the request
25 is overly burdensome and requests information readily available by contacting
26
27

1 Plaintiff's former legal counsel. Without waiving this objection and to
2 demonstrate the burden imposed by this request, see Bates Nos. BRIGGS 000001
3 to BRIGGS 000218, documenting all of the discovery receipts filed with the
4 District Court in Mr. Briggs' criminal case.
5

6
7 To the extent Request for Production No. 14 requests copies of inmate
8 phone calls provided to the County Attorney's Office, such information is
9 confidential attorney-work product and/or subject to the attorney-client privilege.
10

11 **REQUEST FOR PRODUCTION NO. 15:** Please produce copies of all
12 documents, emails, letters, or correspondence between the Gallatin County
13 Attorney and the Gallatin County Detention Center related to Mr. Briggs.
14

15
16 **ANSWER:**

17
18 Objection. Request for Production No. 15 seeks information that is
19 confidential attorney-work product and/or subject to the attorney-client privilege.
20

21 This supplemental answer is submitted over the signature of the undersigned
22 attorney. The answers have been prepared to the best of both counsel's and his client's
23 knowledge and are based upon the information known in this case as of this date. They
24 are submitted with the same force and effect as though signed by defendant.
25
26
27
28

1 DATED this _____ day of January, 2019.

2
3 STACEY & FUNYAK

4
5 By: _____
6 Alex J. Stacey
7 Attorneys for Defendant
8 Gallatin County
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of January, 2019, a true and correct copy of the foregoing *Defendant's Responses to Plaintiff's Second Discovery Requests* was served upon the following person(s) by the following means:

☐ CM/ECF
☐ Hand Delivery
☒ Mail

1. Daniel V. Biddulph
Ferguson Law Office, PLLC
P.O. Box 8359
Missoula, Montana 59807

STACEY & FUNYAK

By: _____
Alex J. Stacey
Attorneys for Defendant
Gallatin County